

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:23-CV-00423

TIMIA CHAPLIN; SARAH FIELDS;
SYELINE NUNEZ; THOMAS HAYWARD;
KEVIN SPRUILL; ROTESHA MCNEIL;
QIANA ROBERTSON; YOUSEF JALLAL;
MESSIEJAH BRADLEY; DENNIS KEITH
LASSITER; PAULINO CASTELLANOS;
ROBERT LEWIS; and ALLEN SIFFORD, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

GARY L. MCFADDEN, officially, as the
Sheriff of Mecklenburg County; JOHN DOE
SURETY, as surety for the Sheriff of
Mecklenburg County; WILLIE R. ROWE,
officially, as the Sheriff of Wake County;
BRIAN ESTES, officially, as the Sheriff of
Lee County; THE OHIO CASUALTY
INSURANCE COMPANY, as surety for the
Sheriffs of Wake County and Lee County;
TYLER TECHNOLOGIES, INC.; NORTH
CAROLINA ADMINISTRATIVE OFFICE
OF THE COURTS; RYAN BOYCE,
officially, as the Executive Director of the
North Carolina Administrative Office of the
Courts; BRAD FOWLER, officially, as the
eCourts Executive Sponsor and Chief
Business Officer of the North Carolina
Administrative Office of the Courts; ELISA
CHINN-GARY, individually and officially, as
the Mecklenburg County Clerk of Superior
Court; BLAIR WILLIAMS, individually and
officially, as the Wake County Clerk of
Superior Court; SUSIE K. THOMAS,
individually and officially, as the Lee County
Clerk of Superior Court; and DOES 1
THROUGH 20, INCLUSIVE,

Defendants.

**DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S CONSENT MOTION
FOR EXTENSION OF TIME TO REPLY TO PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANT ROWE'S MOTION TO DISMISS**

NOW COMES the defendant, WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County ("Defendant Rowe"), by and through counsel, and pursuant to Fed. R. Civ. P 6(b) and LCvR 6.1(a), and hereby respectfully moves the Court for an extension of time, through and including June 7, 2024, to file his Reply brief to Plaintiff's Response in Opposition to Defendant Rowe's Motion to Dismiss. In support of this request, Defendant Rowe shows unto the Court the following:

1. Plaintiffs filed their original complaint on May 23, 2023.
2. Defendant Rowe timely filed his Motion to Dismiss the Complaint on September 6, 2023.
3. Plaintiffs filed their First Amended Complaint on October 27, 2023. The original response date was November 13, 2023.
4. Defendant Rowe filed a Motion for Extension of Time to respond to the First Amended Complaint on November 6, 2023. Plaintiffs consented to this extension, and the Court granted Defendant Rowe's motion extending the deadline to respond to the First Amended Complaint through and including December 13, 2023.
5. Defendant Rowe timely filed its Motion to Dismiss the First Amended Complaint on January 16, 2024.
6. Plaintiffs filed their Second Amended Complaint on February 28, 2024.
7. Defendant Rowe timely filed its Motion to Dismiss the Second Amended Complaint on April 9, 2024.
8. Plaintiffs' filed their Response to Defendant Rowe's Motion to Dismiss the Second Amended Complaint on May 7, 2024.

9. The time within which Defendant Rowe must file its Reply brief to the Response has not expired.

10. Defendant Rowe requests that the deadline to file its Reply to Plaintiffs' Response be extended by ten (10) days, to and through June 7, 2024, in order to allow Defendant Rowe sufficient time to prepare a Reply Brief. Such an extension is justified due to the upcoming Memorial Day Holiday, travel and work schedule conflicts.

11. This Motion is made in good faith and not for the purpose of delay.

12. Defendant Rowe's counsel has conferred with Plaintiffs' counsel, and Plaintiffs' counsel consents to the requested extension.

WHEREFORE, Defendant Rowe prays the Court enter an order extending the time in which Defendant Rowe may file a Reply to Plaintiff's Response by ten (10) days, through and including June 7, 2024.

Respectfully submitted this the 15th day of May, 2024.

WAKE COUNTY ATTORNEY'S OFFICE

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

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Attorney for Defendant Wake County Sheriff

Willie Rowe

/s/ Robert J. Lane

Robert J. Lane, NCSB # 53767

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Attorney for Defendant Wake County Sheriff

Willie Rowe

CERTIFICATE OF SERVICE

I, the undersigned attorney for defendant WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County, WAKE COUNTY, NORTH CAROLINA, hereby certifies that on the day indicated below the foregoing and attached **DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S CONSENT MOTION FOR EXTENSION OF TIME TO REPLY TO PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT ROWE'S MOTION TO DISMISS** was electronically filed with the Clerk of Court using the CM/ECF filing system and served via electronic transmission through the Court's CM/ECF system in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the CM/ECF participants.

This the 15th day of May, 2024.

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

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Attorney for Defendant Wake County Sheriff

Willie Rowe